

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FLO-TECH MECHANICAL
SYSTEMS, INC., individually and as
the representatives of a class of similarly
situated persons and entities,

Plaintiff,
v.

NATIONAL FUNDING, INC.,

Defendant.

Case No. 1:19-cv-07765

Honorable Judge John Z. Lee

AMENDED NOTICE OF VOLUNTARY DISMISSAL

NOW COMES, FLO-TECH MECHANICAL SYSTEMS, INC. (“Plaintiff”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), and in support of its Notice of Voluntary Dismissal, states as follows:

Plaintiff, individually and on behalf of a class of similarly situated individuals, filed a putative class action suit versus Defendant, NATIONAL FUNDING, INC. (“NFI”) pursuant to the Telephone Consumer Protection Act of 1991, 47 USC §227, *et seq.* as a result of receiving an advertising facsimile without Plaintiff’s express permission and in the absence of an established business relationship. NFI has been served with summons and the Complaint.

NFI has provided information supporting that another *currently unknown* entity sent the subject facsimile using NFI’s letterhead and intellectual property rights (purportedly) without NFI’s permission. As of today’s date, NFI has neither answered or moved for summary judgment.

Plaintiff is in the process of investigating the identity of the entity that sent the subject facsimile and will refile this Complaint if and when the identity of the entity that sent the facsimile is located and confirmed as a viable defendant.

WHEREFORE, Plaintiff hereby gives notice that this action is voluntarily dismissed without prejudice against Defendant National Funding, Inc. with both parties to bear their own attorney's fees and costs.

Dated: January 20, 2020

Respectfully submitted,

/s/ James C. Vlahakis

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